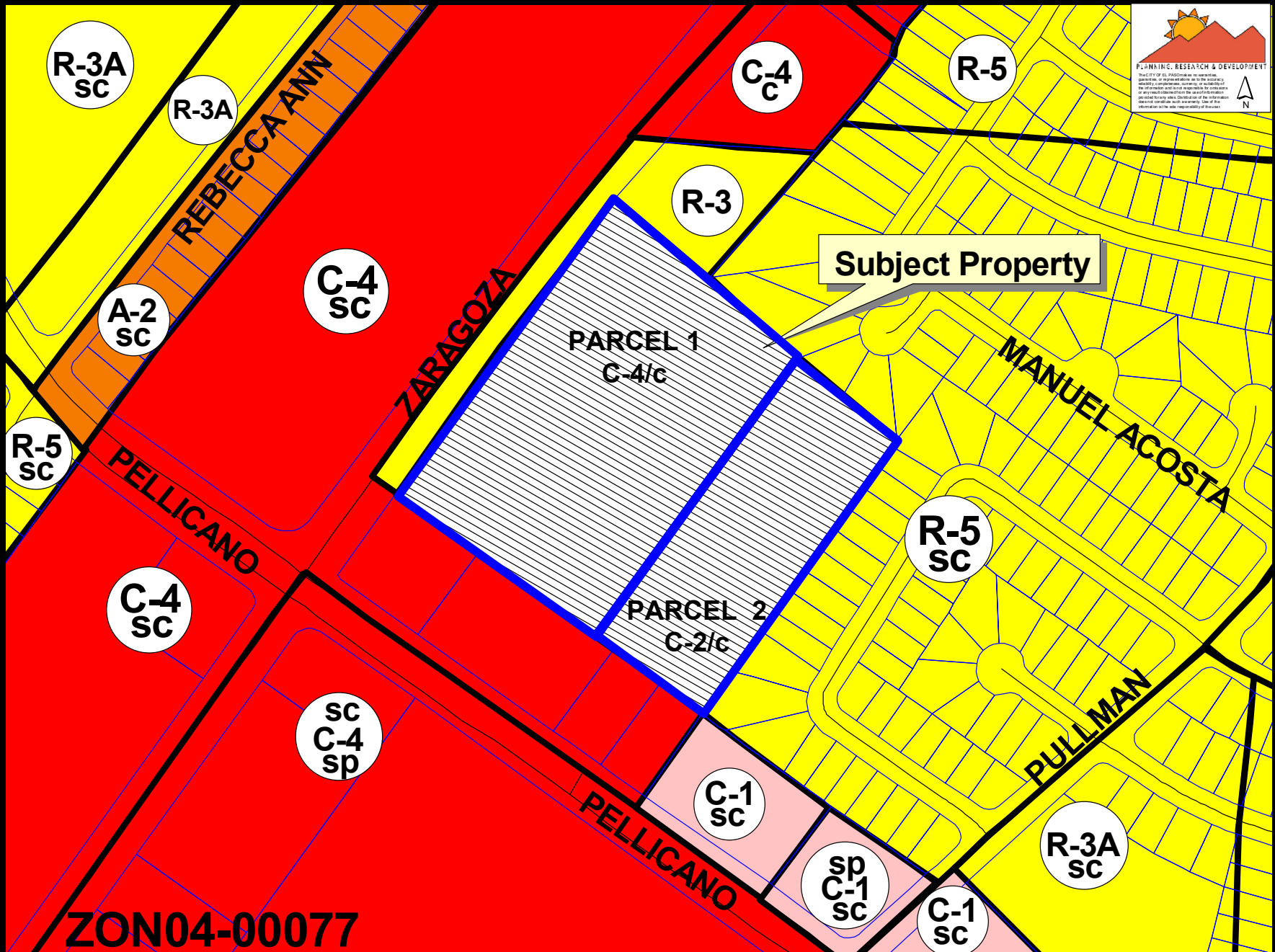


# DCC RECOMMENDATION (JUNE 30, 2004)

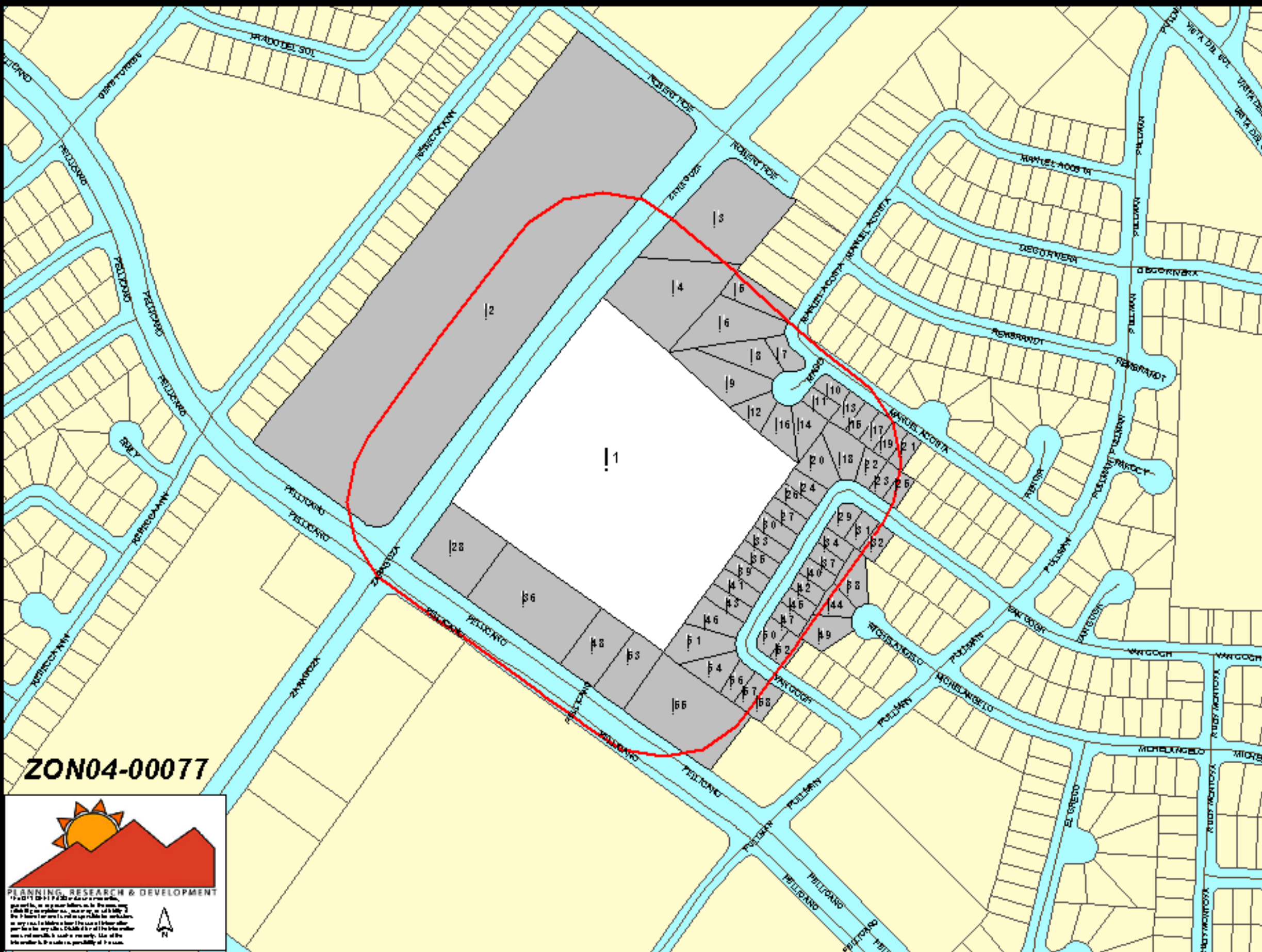








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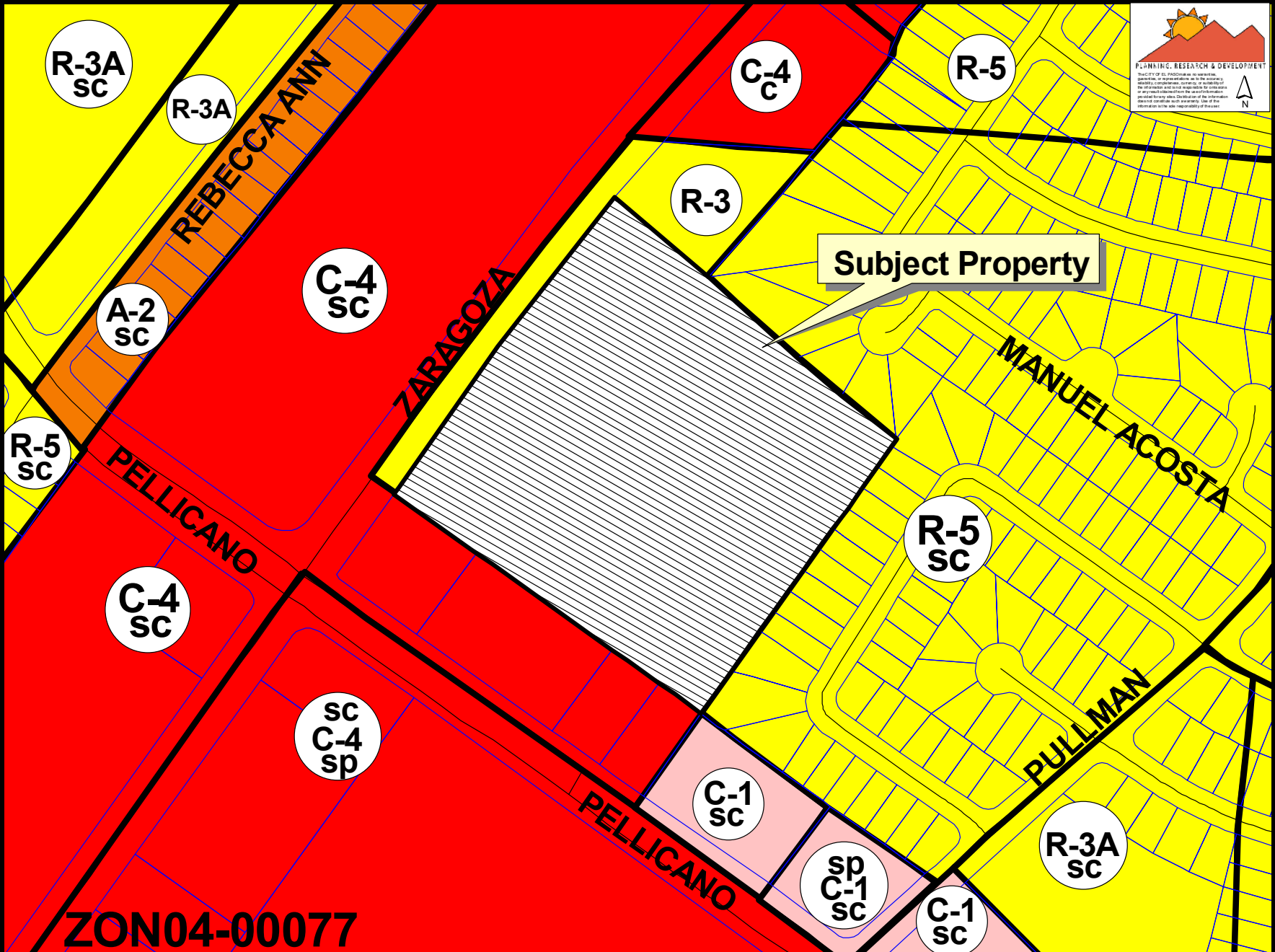
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**ZON04-00077**







ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 44C, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 44C, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of Parcel 1: *A portion of Tract 44C, O. A. Danielson Survey No. 310, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-4 (Commercial)**; and Parcel 2: *A portion of Tract 44C, O. A. Danielson Survey No. 310, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-2 (Commercial)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcels 1 and 2 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-4 (Commercial) for Parcel 1, and from R-3 (Residential) to C-2 (Commercial) for Parcel 2, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

**Parcel 1:**

1. *Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.*
2. *A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*
3. *The following uses shall be prohibited: automotive repair garage; automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and contractor's yard.*

**Parcel 2:**

1. *Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.*
2. *A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 10<sup>th</sup> day of **August**, 2004.

(signatures on the next page)



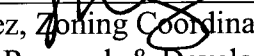
**THE CITY OF EL PASO**

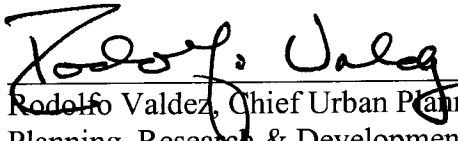
\_\_\_\_\_  
Joe Wardy, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**Acknowledgment**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

Prepared For: City of El Paso  
Being a Portion of Tract 44C  
O.A. Danielson Survey No. 310,  
City of El Paso, El Paso County, Texas  
WO: 050604-2  
Date: June 28, 2004

## Exhibit "A"

### PROPERTY DESCRIPTION

#### (PARCEL 1, PROPOSED C-4)

Description of a 8.29 acre parcel of land being a Portion of Tract 44C O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located on the centerline intersection of Zaragoza Road (100' wide public right-of-way) and Pellicano Drive (120' wide public right-of-way), Thence along said centerline of Zaragoza Road, North 32° 20' 48" East a distance of 260.00 feet, Thence South 57° 39' 12" East a distance of 50.00 feet to a point lying on the easterly right-of-way line of said Zaragoza Road, said point being the "True Point of Beginning",

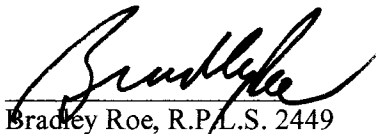
Thence North 32° 20' 48" East a distance of 301.75 feet to a point;

Thence along a curve the right a distance of 428.35 feet, a radius of 5679.65 feet, whose central angle is 4° 19' 16" and whose chord bears North 34° 30' 26" East a distance of 428.24 feet back to a point;

Thence South 52° 29' 00" East a distance of 499.09 feet to a point;

Thence South 32° 20' 48" West a distance of 684.72 feet to point;

Thence North 57° 39' 12" West a distance of 513.21 feet back to the "True Point of Beginning" and said parcel containing in all 361,001 square feet or 8.29 acres of land more or less.



Bradley Roe, R.P.L.S. 2449  
Roe Engineering, L.C.  
(Not a Ground Survey)



Prepared For: City of El Paso  
Being a Portion of Tract 44C  
O.A. Danielson Survey No. 310,  
City of El Paso, El Paso County, Texas  
WO: 050604-2  
Date: June 28, 2004

## Exhibit "A"

### PROPERTY DESCRIPTION

#### (PARCEL 2, PROPOSED C-2)

Description of a 3.71 acre parcel of land being a Portion of Tract 44C O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:


Starting at an existing city monument located on the centerline intersection of Zaragoza Road (100' wide public right-of-way) and Pellicano Drive (120' wide public right-of-way), Thence along said centerline of Zaragoza Road, North  $32^{\circ} 20' 48''$  East a distance of 260.00 feet, Thence South  $57^{\circ} 39' 12''$  East a distance of 563.21 feet to the "True Point of Beginning",

Thence North  $32^{\circ} 20' 48''$  East a distance of 684.72 feet to a point;

Thence South  $52^{\circ} 29' 00''$  East a distance of 240.99 feet to a point;

Thence South  $32^{\circ} 20' 48''$  West a distance of 663.00 feet to a point;

Thence North  $57^{\circ} 39' 12''$  West a distance of 240.00 feet back to the "True Point of Beginning" and said parcel containing in all 161,732 square feet or 3.71 acres of land more or less.



Bradley Roe, R.P.L.S. 2449  
Roe Engineering, L.C.  
(Not a Ground Survey)